

Betsy_Wolfe SUNSHINE REFORM TASK FORCE SUBCOMMITTEE.txt
From: Betsy Wolf-Graves [betsy237@prodsyse.com]
Sent: Tuesday, September 04, 2007 3:50 PM
To: Terrazas, Eva
Subject: Input for the SUNSHINE REFORM TASK FORCE SUBCOMMITTEE

Bert Robinson, Chair, Sunshine Reform Task Force Subcommittee
Copies: Bobbi Fischler, Karl Hoffower, Virginia Holtz,
Brenda Otey, Don Pulcrano

Dear Subcommittee Members:

I may be somewhat late in getting my input before you.
However, if you have not
as yet made final decisions regarding police-community
information including, Use of Force,
I would appreciate your considering my thoughts,
particularly on the use of Tasers.
I am sending you a document in plain text which reflects my
concerns.. I hope you and the members of your subcommittee
will read it and give it your consideration. Sincerely,
Betsy Wolf-Graves

Betsy Wolf-Graves 751 Emerson Court San José, CA 95126
TEL: 408.294-5779
Betsy237@prodsyse.com

September 4, 2007

Sunshine Reform Task Force
Public Records Subcommittee
City Hall T 1753
San José, CA 95126

I am representing myself before the Task Force. However I
am connected with a number of other groups for whom
transparency in government is an important issue.

Items that Should be Available to the Public

Among the items that should be available to the public are:
police reports, arrest records, use of force reports,
incident reports, 911 call tapes and transcripts, and CAD
tapes and transcripts.

Number and type of complaint/s against any individual police
officer should be released to the public, including
description of each incident and disciplinary action, if
any, against
an officer. (This is now moot because of a CA Supreme Court
Ruling in Copley vs Superior Court)

Tasers

Looking at the 2006 Use of Force Report by the San José
Police Department, I see this as more of a statistical piece
of information as opposed to the Use of Force reports filled
out after each incident. For example, when discussing Taser
use, the report claims Tasers were used 131 times between
May 1, 2005 and December 31, 2005. Their use is then broken
down: (Attachment C, 4 and 5 of 7)

Probe Used 63

Stun	43
Both	19
Missed	5
Malfunctioned	1

Questions remaining from the above include (1) how many times was a Taser used in a single encounter? (2) How many targets of the Taser were armed? unarmed? (3) Location of target? In a car, etc. (4) Position of the target? Standing, takedown, running, etc. According to the report, Tasers were used 131 times against 131 people.

I find the report somewhat vague in this regard.. For example: If the Taser was indeed used 131 times against 131 individuals, does that mean the officer pressed the trigger once only for the prescribed 5 seconds or did the officer prolong the shock by holding down the trigger longer? Or did the officer use it more than once? The information does not provide these details.

Page 4 of 7 in Attachment C suggests some of this information to be available but it is not contained in the report for some reason.

In addition, I have seen reports from other cities giving more information regarding police encounter (names withhold) which fleshes out the information the department is attempting to share.

In summary I find the Use of Force report inconclusive as it gives aggregate but not specific information on what happened, how force was used and outcomes.

More specifically, on December 1, 2005, Chief of Police Davis issued Training Bulletin 004-05, "Taser Usage Update".

It would be helpful to the public if we could see how Tasers were used in the 6 months prior to the update compared with their use during the 6 months after the update. It would be of interest if we knew how many shocks were administered to individuals in Taser-involved deaths.

Concluding Remarks

SJPD incident reports, Use of Force reports and other documents should be explicitly classified as public records.

The SJPD should make public to any person, upon request any document routinely generated by police department personnel

The public should be able to appeal City decisions to the Sunshine Reform Task Force or a similar body.

In my dealings with SJPD administration I have found it to be patronizing, suggesting that I am not competent to evaluate the information I might receive from them.

In an Op Ed piece appearing in the San José Mercury News, August 31, 07, Chief Rob Davis mentions that, while receiving, investigating and sustaining "complaints of excessive force against a very small number of officers, we did not find evidence of systemic problems of racial profiling...." Here, again, such complaints and their resolution are not spelled out. He then asks the community

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to come up with recommendations for solutions it seems
reasonable to me that, if the community is not given adequate
information, the community will be unable to present
meaningful solutions.

Sincerely,

Betsy Wolf-Graves, LCSW